

HOUSE RESOLUTION 189  
By Cooper B

A RESOLUTION relative to disciplinary actions against tenured employees of Tennessee Board of Regents institutions.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the Tennessee Board of Regents is hereby urged and encouraged to promulgate policies pertaining to disciplinary actions against tenured employees that:

- (1) Shall be strictly adhered to in all stages including, but not limited to, investigatory, due process hearings, and disciplinary actions;
- (2) Shall focus especially on resolving problems at the investigatory stage through informal meetings or consultations with the accused employee;
- (3) Shall accord the employee the "benefit of the doubt" by requiring clear and convincing evidence of a disciplinary violation prior to pursuing disciplinary action;
- (4) Shall accord the employee the opportunity to present his/her evidence in his/her defense at the investigatory stage;
- (5) Shall take action based upon the merits of the evidence without regard to potential civil liability for acting or failing to act in a particular fashion;

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(6) Shall provide for grounds for reversal of disciplinary action against the employee if such policies are not strictly complied with; and

(7) That persons responsible for the enforcement of these policies shall be subject to civil liability for damages incurred by the employee for their failure to follow such policies.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Chancellor of the Tennessee Board of Regents.